



IPW

00862.023250

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Toshiya ASANO et al. ) : Examiner: B. Rojas  
Application No.: 10/670,241 ) : Group Art Unit: 2832  
Filed: September 26, 2003 ) : Confirmation No.: 8587  
For: ALIGNMENT APPARATUS, EXPOSURE ) :  
APPARATUS, AND DEVICE ) May 20, 2005  
MANUFACTURING METHOD ) :

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Sir:

Applicants respectfully traverse the election of species requirement set forth in the Office Action dated April 21, 2005.

A review of the specification reveals that the various embodiments are closely related and do not require separate fields of search. Accordingly, neither Applicants nor the U.S. Patent and Trademark Office should be put to the trouble and expense entailed in multiple filing and prosecution. Moreover, it is respectfully submitted that the public at large should not be required to obtain and study several separate patent documents in order to have available all of the issued patent claims covering the invention. The making of an election of species is not mandatory in all instances where it is possible to do so. Rather, the Examiner may use discretion and choose

not to make an election of species where circumstances warrant. It is submitted that such is the case in the instant application.

Nevertheless, pursuant to the provisions of MPEP § 809.02(a), Applicants hereby elect to prosecute the invention of Embodiment 1, Figure 1. It is submitted that at least claims 1-8 read on the elected embodiment.

Due consideration and prompt passage to issue are respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott D. Malpede", is written over a horizontal line.

Attorney for Applicants  
Scott D. Malpede  
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200  
SDM/eab

DC\_MAIN 203758v1